

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
AT DAYTON, OHIO

IRON WORKERS DISTRICT COUNCIL)	CASE NO. 3:12-CV-53
OF SOUTHERN OHIO & VICINITY)	
BENEFIT TRUST, <i>et al.</i>)	JUDGE WALTER H. RICE
)	
Plaintiffs,)	
)	JUDGMENT ENTRY
v.)	
)	
PATRIOT STEEL ERECTORS, INC., <i>et al.</i>)	
)	
<u>Defendants.</u>)	

Plaintiffs Iron Workers District Council of Southern Ohio & Vicinity Benefit Trust, *et al.* (“Plaintiffs”) were granted a Default Judgment against defendants Patriot Steel Erectors, Inc. (“Patriot Steel”) and Charles Herington (“Herington”) (hereinafter Patriot Steel and Charles Herington shall be referred to collectively as “Defendants”), jointly and severally, through this Court’s Entry and Order dated June 13, 2012 (Case Doc. #8).

Having considered Plaintiffs’ unopposed filings in this Case, Plaintiffs are entitled to the following relief from the Defendants:

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. Plaintiffs are awarded judgment against Patriot Steel Erectors, Inc. and Charles Herington, jointly and severally, for unpaid contributions, interest, and liquidated damages in the sum of **\$52,665.91**, together with interest, computed pursuant to Title 28 U.S.C. §1961, and the costs of this action;
2. Plaintiffs are awarded their reasonable attorneys’ fees and costs from Patriot Steel Erectors, Inc. and Charles Herington, to be submitted by a separate motion along affidavits and supporting documents at the conclusion of this case;
3. Patriot Steel Erectors, Inc. and Charles Herington are enjoined from committing any further violations of Section 515 of ERISA, 29 U.S.C. §1145, with respect to Plaintiffs;

4. Charles Herington has breached his fiduciary duties owed to the Trusts;
5. Charles Herington has engaged in one or more prohibited transactions in violation of ERISA, with respect to the Trusts;
6. Charles Herington is jointly and severally liable with Patriot Steel Erectors, Inc. to reimburse Plaintiffs for all losses resulting from each such breach pursuant to Section 409(a) of ERISA, 29 U.S.C. §1009(a), including all delinquent contributions, interest, liquidated damages, costs, and attorneys' fees;
7. Plaintiffs are entitled to an accounting of all of Patriot Steel Erectors, Inc.'s delinquent contributions and payments caused by to Charles Herington orders or directions, and to an accounting of all losses suffered by Plaintiffs and their participants as a result of Mr. Herington's fiduciary breaches and prohibited transactions, with Mr. Herington to pay the costs of such an accounting;
8. Charles Herington and Patriot Steel Erectors, Inc. shall disgorge any ill-gotten gains, including employer contributions that have been wrongfully withheld from Plaintiffs.
9. The Court will retain jurisdiction over this case until such time as Patriot Steel Erectors, Inc. and Charles Herington have complied with its orders.

IT IS SO ORDERED.

Date: 7.5.12



Walter H. Rice
United States District Judge